

GP 1804


 PATENT  
 38-21(10640)A

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF )

Robert T. FRALEY et al. )

SERIAL NUMBER: 08/146,621 )

FILED: October 28, 1993 )

 TITLE: CHIMERIC GENES FOR TRANS- )  
 FORMING PLANT CELLS USING )  
 VIRAL PROMOTERS )

GROUP ART UNIT: 1804

EXAMINER: D. Fox

June 1, 1994

I hereby certify that this correspondence is being  
 deposited with the United States Postal Service as  
 first class mail in an envelope addressed to:  
 Commissioner of Patents and Trademarks,  
 Washington D.C., 20231 on June 1, 1994

*Lawrence M. Lavin, Jr.*  
 Lawrence M. Lavin, Jr.  
 Registration No. 30,768

Date: June 1, 1994

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GROUP 1800

Commissioner of Patents and Trademarks  
 Washington, D. C. 20231  
 Sir:

Transmitted herewith is an Amendment in the above-identified application.

☒ No additional fee required under 37 CFR 1.16.

The fee has been calculated as shown below:

CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee
Total Claims	19*	Minus	24**	= 0	X \$22.00	0
Indep. Claims	8*	Minus	12***	= 0	X \$74.00	0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0


\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid for" is less than 20, write "20" in the space.

\*\*\* If the "highest Number Previously Paid For" is less than 3, write "3" in the space.

- [ ] Please charge the above calculated fee for this Amendment to Deposit Account No. 13-4125. Please charge any additional fees associated with this Amendment or credit overpayment to the above-identified Deposit Account. A triplicate copy of this sheet is enclosed.
- [X] In the event an Extension of Time is required to render this paper timely filed, Applicants petition the Commissioner under 37 CFR 1.136(a) for an Extension of Time to respond for the period of time sufficient to render this paper transmitted herewith timely. The Commissioner is authorized to charge the appropriate fee for said Extension of Time to the above-identified Deposit Account.

Monsanto Company  
700 Chesterfield Parkway North  
St. Louis, Missouri 63198  
(314) 537-6670

  
Lawrence M. Lavin, Jr.  
Attorney of Record  
Registration No. 30,768

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**PATENT**  
38-21(10640)

*Handwritten signature/initials*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF )

Robert T. FRALEY et al. )

SERIAL NO: 08/146,621 )

FILED: October 28, 1993 )

TITLE: CHIMERIC GENES FOR )  
TRANSFORMING PLANT )  
CELLS USING VIRAL )  
PROMOTERS )

GROUP ART UNIT: 184

EXAMINER: David T. Fox

June 1, 1994

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Commissioner of Patents and Trademarks,  
Washington D.C., 20231 on June 1, 1994  
Lawrence M. Lavin, Jr.  
Registration No. 30,768

*Signature of Lawrence M. Lavin, Jr.*

Date:

*6/1/94*

**AMENDMENT UNDER 37 C.F.R. § 1.111**

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

This is a response to the office action dated May 13, 1994. Please enter the  
following amendments:

**IN THE CLAIMS**

Please cancel claims 11, 16-18 and 23-25, without prejudice.

Please amend the claims as follows:

*14*  
~~22.~~ (Amended) A chimeric gene which is transcribed and translated in  
plant cells, said chimeric gene comprising a promoter from cauliflower mosaic virus,  
said promoter selected from the group consisting of: